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2022-CC00924 - MATTHEW L JOHNSON V PHH MORTGAGE CORPORATION ET AL (E-CASE

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08/20/2020 Corporation Served

Document ID - 20-SMCC-5800; Served To - ALTISOURCE SOLUTIONS, INC.; Server - ; Served Date -07-AUG-20; Served Time - 08:00:00; Service Type - Sheriff Department; Reason Description - Served

Corporation Served

Document ID - 20-SMCC-5799: Served To - PHH MORTGAGE CORPORATION: Server - : Served Date - 07-AUG-20; Served Time - 08:00:00; Service Type - Sheriff Department; Reason Description -Served

Document ID: 20-SMCC-5800, for ALTISOURCE SOLUTIONS, INC..

Summons Issued-Circuit

Document ID: 20-SMCC-5799, for PHH MORTGAGE CORPORATION.

05/26/2020 Jury Trial Scheduled

Scheduled For: 11/16/2020; 9:00 AM; REX M BURLISON; City of St. Louis

05/08/2020 Filing Info Sheet eFiling

Filed By: MITCHELL B. STODDARD

Pet Filed in Circuit Ct

Petition; Exhibit 1; Exhibit 2.

Filed By: MITCHELL B. STODDARD On Behalf Of: MATTHEW L JOHNSON

Judge Assigned

Case.net Version 5.14.0.18

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Released 09/01/2020

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## IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI

Matthew L. Johnson,	)	
Plaintiff,	)	Cause No.
V.	)	Cause No.
•	)	Division:
PHH Mortgage Corporation, d/b/a PHH Mortgage Services,	)	
THI Mortgage Services,	)	
Sheriff Serve Registered Agent:	j	
CSC-Lawyers Incorp. Svc Co. 221 Bolivar Street	)	
Jefferson City, MO 65101	)	
and	)	
and	)	
Altisource Solutions, Inc.,	)	
Shariff Sarra Dagistarad Aganti	)	
Sheriff Serve Registered Agent: CSC-Lawyers Incorp. Svc Co.	)	
221 Bolivar Street	)	
Jefferson City, MO 65101	)	
Defendants.	)	

#### **PETITION**

COMES NOW Plaintiff, Matthew L. Johnson, by and through his attorneys, Mitchell B. Stoddard and Consumer Law Advocates, and for his Petition against Defendants, PHH Morgage Corporation, d/b/a PHH Mortgage Services and Altisource Solutions, Inc. states to this honorable Court as follows:

#### **ALLEGATIONS COMMON AS TO ALL COUNTS**

1. Plaintiff, Matthew L. Johnson, is a natural person, an adult citizen of the State of Missouri, and a resident of St. Louis County, Missouri.

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- 2. Defendant, PHH Morgage Corporation, d/b/a PHH Mortgage Services (hereinafter "PHH"), is a New Jersey corporation in good standing, engaged in the business of making and servicing consumer mortgage loans.
- 3. Defendant, Altisource Solutions, Inc. (hereinafter "Altisource"), is a Delaware corporation which, according to its website, is engaged in the business of assisting mortgage servicers in carrying out their functions.
- 4. The events giving rise to Plaintiff's cause of action, and the resulting injury to Plaintiff occurred in the City of St. Louis, Missouri.
- 5. In or around April 2005, Plaintiff purchased a residential dwelling located at 2849 Wyoming Street in the City of St. Louis, Missouri (hereinafter "the Property"). Plaintiff has been the continuous and sole owner of the Property since he purchased it.
- 6. Plaintiff used the Property as his primary residence until 2016, when he started renting out rooms to individuals.
- 7. Prior to 2019, Plaintiff 's mortgage loan was serviced by Ocwen Mortgage Servicing, Inc., but as of May 2019, PHH began servicing it.
- 8. On or about 5/25/2019, Plaintiff received a call from one of his tenants advising that "somebody had broken into the house and damaged the property."
- 9. Plaintiff went to the Property and saw the entrance door was wide open. Plaintiff also saw a tag on the door, which stated "Warning ... This property has been winterized. Do not turn on water!" A copy of this notice, dated 5/15/1019, is attached hereto and incorporated by reference as though fully set forth herein as Exhibit 1.
- 10. Plaintiff also saw a letter that had been left by Altisource, which advised him to call a toll free number if had questions or concerns related to the property. A copy of

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said notice is attached hereto and incorporated by reference as though fully set forth herein as Exhibit 2.

- 11. Plaintiff called the number on the letter and complained that somebody had damaged his property. The woman who responded to Plaintiff's call transferred him to the "complaint department," but nobody took the call.
- 12. Plaintiff called the number again several days later, but got a message stating his call was being "blocked."
- 13. Thereafter, Plaintiff began receiving mortgage statements from PHH which reflected "assessed expenses," which included charges for "door locks" and "debris removal."

#### **VIOLATION OF MISSOURI MERCHANDISING PRACTICES ACT**

For Count I of his Petition, Plaintiff states to this honorable Court as follows:

- 14. Plaintiff realleges the allegations of paragraphs 1 through 13 as though fully set forth herein.
- 15. At all relevant times herein, Altisource was the agent of PHH, and was acting within the course and scpoe of its authority on behalf of PHH, such that any act done by Altisource can be attributed to the acts of PHH.
- 16. Pursuant to § 407.020 RSMo (Missouri Merchandising Practices Act), it is an unlawful practice to use deception, fraud, false pretense, false promise, misrepresentation, or unfair practice, or to conceal, suppress, or omit any material fact in connection with the sale or advertisement of any merchandise in trade or commerce.
- 17. Plaintiff purchased the Property primarily for personal, family or household purposes, and not for a business purpose.

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18. Defendants used deception, fraud, false pretense, false promise, misrepresentation or unfair practice, or concealed, suppressed, or omitted a material fact in connection with the extension of a mortgage loan in one or more of the following respects:

- a. Altisource unlawfully entered Plaintiff's property and caused damage to Plaintiff's real and personal property, including but not limited to the doors and door frames, changed the front door locks, tampered with the breaker panels, damaged Plaintiff's drywall, broke a metal water heater drip pan, broke two mirrors, broke the ventilation furnace door, and scratched the vinyl flooring, which constitutes trespassing and illegal conduct in contravention of 15 CSR 60-8.090;
- b. PHH failed to act in good faith and behaved unconscionably when it added charges to Plaintiff's mortgage statement for the unlawful trespass by Altisource, thereby committing unfair practices in contravention of 15 CSR 60-8.040 and 15 CSR 60-8.080 respectively
- 19. Defendants' use of fraud, false pretense, false promise, misrepresentation or unfair practice, and/or concealment, suppression, or omission of a material fact in connection with the sale of the was willful, wanton and malicious, and was done with evil motive or reckless indifference to the rights of Plaintiff.
  - 20. PHH's actions constitute a pattern and practice of deceptive conduct.
- 21. As a result of PHH's use of fraud, false pretense, false promise, misrepresentation or unfair practice, and/or of PHH's concealment, suppression, or omission of a material fact in connection with the exension of a mortgage loan, Plaintiff suffered an ascertainable loss of money or property.
- 22. Further as a result of Defendants' violation of the MMPA, Plaintiff further suffered humiliation, embarrassment, inconvenience, stress, anxiety, loss of use, loss of work, and garden variety emotional distress.

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WHEREFORE, Plaintiff prays this honorable Court to enter a judgment against Defendants awarding actual and punitive damages in an amount that is fair and reasonable, attorney's fees for all time reasonably expended on the case, incidental and consequential damages, prejudgment interest, costs of suit, and such further equitable relief as this honorable Court deems just.

#### **COUNT II – TRESPASS**

For Count II of his Petition, Plaintiff states to this honorable Court as follows:

- 23. Plaintiff reallege the allegations of paragraphs 1 through 22 as though fully set forth herein.
- 24. At all relevant times herein, Altisource was the agent of PHH, and was acting within the course and scpoe of its authority on behalf of PHH, such that any act done by Altisource can be attributed to the acts of PHH.
- 25. On or about 5/15/2019, Altisource, without permission or authorization from Plaintiff, entered upon Plaintiff's property and caused damage thereto, resulting in a financial loss to Plaintiff.
- 26. Altisource's entry onto Plaintiff's property was intentional, interferred with the plaintiffs' possessory rights, and constituted a physical invasion of Plaintiff's property.
- 27. Altisource's conduct was willful, wanton and malicious, and was done with evil motive or reckless indifference to the rights of Plaintiff.
- 28. As a direct and proximate result of Altisource's tresspass onto Plaintiff's property, Plaintiff sustained damage.

WHEREFORE, Plaintiff prays this honorable Court to enter a judgment against

Defendants awarding actual and punitive damages, incidental and consequential

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damages, prejudgment interest, costs of suit, and such further equitable relief as this honorable Court deems just.

/s/ Mitchell B. Stoddard

Mitchell B. Stoddard, #38311 Consumer Law Advocates 1415 Elbridge Payne Road, Suite 275 Chesterfield, Missouri 63017 (314) 692-2001 mitch.stoddard@clalaw.com

Attorneys for Plaintiff



CITY OF ST LOUIS

### Case: 4:20-cv-01212-SEP Doc கூடி மே நிரி முகி மிரி Page: 8 of 11 PageID #: 13

#### IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division:	Case Number: 2022-CC00924	
REX M BURLISON		Special Process Server 1
Plaintiff/Petitioner: MATTHEW L JOHNSON	Plaintiff's/Petitioner's Attorney/Address MITCHELL B. STODDARD	Special Process Server 2
	1415 ELBRIDGE PAYNE ROAD SUITE 275	
VS	,	Special Process Server 3
Defendant/Respondent:	Court Address:	
PHH MORTGAGE CORPORATION	CIVIL COURTS BUILDING	
Nature of Suit:	10 N TUCKER BLVD	
CC Other Tort	SAINT LOUIS, MO 63101	(Date File Stamp)

Summons in Civil Case			
The State of Missouri to:	PHH MORTGAGE CORPORATION		
	Alias: DBA PHH MORTGAGE SERVICES		
CSC LAWYERS INC SVC CO			
221 BOLIVAR STREET			
JEFFERSON CITY, MO 65101			
COURT SEAL OF	You are summoned to appear before this court and to file your pleading to the petition, a		
COURTOR	copy of which is attached, and to serve a copy of your pleading upon the attorney for		
	plaintiff/petitioner at the above address all within 30 days after receiving this summons,		
(8//7000)	exclusive of the day of service. If you fail to file your pleading, judgment by default may		
3 15	be taken against you for the relief demanded in the petition.		

**August 3, 2020** 

Date Clerk Further Information: Sheriff's or Server's Return Note to serving officer: Summons should be returned to the court within 30 days after the date of issue. I certify that I have served the above summons by: (check one) delivering a copy of the summons and a copy of the petition to the defendant/respondent. ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with , a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent. [ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_ (name) \_\_\_ other: (County/City of St. Louis), MO, on (date) at (time). Printed Name of Sheriff or Server Signature of Sheriff or Server Must be sworn before a notary public if not served by an authorized officer: Subscribed and sworn to before me on (date) (Seal) My commission expires: Notary Public Sheriff's Fees, if applicable Summons Non Est Sheriff's Deputy Salary Supplemental Surcharge miles @ \$. per mile) Mileage A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## Case: 4:20-cv-01212-SEP DOOL# COUNTING PROPERTY Page: 9 of 11 PageID #: 14

### IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division:	Case Number: 2022-CC00924	
REX M BURLISON		Special Process Server 1
Plaintiff/Petitioner: MATTHEW L JOHNSON	Plaintiff's/Petitioner's Attorney/Address MITCHELL B. STODDARD	Special Process Server 2
	1415 ELBRIDGE PAYNE ROAD SUITE 275	
VS.	CHESTERFIELD, MO 63017	Special Process Server 3
Defendant/Respondent:	Court Address:	
PHH MORTGAGE CORPORATION	CIVIL COURTS BUILDING	
Nature of Suit:	10 N TUCKER BLVD	
CC Other Tort	SAINT LOUIS, MO 63101	(Date File Stamp)

Defendant/Respondent: PHH MORTGAGE CORPO Nature of Suit: CC Other Tort	ORATION	Court Address: CIVIL COURTS BUILD 10 N TUCKER BLVD SAINT LOUIS, MO 63		(Date File Stamp)	
	Sui	mmons in Civil C	ase		
The State of Missouri to  CSC LAWYERS INCORP SVC 0221 BOLIVAR STREET JEFFERSON CITY, MO 65101  COURT SEAL OF  CITY OF ST LOUIS	: ALTISOURCE SOLU Alias: CO You are summoned copy of which is at plaintiff/petitioner a exclusive of the da	utions, Inc.  d to appear before this ttached, and to serve a at the above address a ny of service. If you fail ou for the relief deman	court and to file your p copy of your pleading Il within 30 days after re to file your pleading, ju	eceiving this summons, idgment by default may	
	Date		Clerk		
	Further Information:	neriff's or Server's Retu			
I certify that I have served the above summons by: (check one)  delivering a copy of the summons and a copy of the petition to the defendant/respondent.  leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with					
Served at				(address)	
			(date		
Printed Name		otary public if not served by		eriff or Server	
(Seal)	Subscribed and sworn to My commission expires:	before me on Date		(date). iry Public	
Sheriff's Fees, if applicable Summons Non Est Sheriff's Deputy Salary Supplemental Surcharge Mileage Total A copy of the summons and classes of suits, see Supres	\$\$ \$\$ \$(\$ If a copy of the petition mu	miles @ \$ pe ust be served on <b>each</b> defe	er mile)		



# Case: 4:20-cv-01212-SEP Doc PLE 40 Hed! Of Page: 10 of 11 PageID #: 15 IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

	•	1			
Judge or Division:		Case Number: 2022-CC00924			
REX M BURLISON				Special Proce	ess Server 1
Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/A	ddress		
MATTHEW L JOHNSON		MITCHELL B. STODDARD		Special Proce	ess Server 2
		1415 ELBRIDGE PAYNE ROAD	)		
		SUITE 275		Special Proc	ooo Comor 2
	VS.	CHESTERFIELD, MO 63017 Court Address:		Special Proce	ess Server 3
Defendant/Respondent: PHH MORTGAGE CORPO		CIVIL COURTS BUILDING	$\mathbf{p}_{\mathbf{E}}$	CEIVE	70
	JRATION	10 N TUCKER BLVD	IL	CEIVE	1 <b>D</b>
Nature of Suit: CC Other Tort		SAINT LOUIS, MO 63101	Λ.	Date File	e Stamp)
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The State of Missouri to		ORTGAGE SERVICES	SHER	E COUNTY IFF'S OFFI	r CE
CSC LAWYERS INC SVC CO	Alias. DDA FIII WIC	SKI GAGE GERVIOLG		0 0111	CE
221 BOLIVAR STREET					
JEFFERSON CITY, MO 65101 COURT SEAL OF	Vou are summone	d to appear before this court ar	nd to file your p	leading to th	e petition, a
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	plaintiff/petitioner	at the above address all within	30 days after re	eceiving this	summons,
	exclusive of the da	ly of service. If you fail to file yo	ວur pleading, jເ	ıdgment by d	efault may
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	Further Information:			20	
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		rned to the court within 30 days after	the date of issue.	<b>.</b>	25 25
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		, a person of the dete	endant's/responde	nt's family over	the age of
∆ 15 years who perma	nently resides with the de	fendant/respondent.	amplaint to:		
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classes of suits, see Supre	me Court Rule 54.				



## Case: 4:20-cv-01212-SEP QQLE: CQUNFIN SHORN Page: 11 of 11 PageID #: 16 IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

The state of the s		
Judge or Division:	Case Number: 2022-CC00924	
REX M BURLISON		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
MATTHEW L JOHNSON	MITCHELL B. STODDARD	Special Process Server 2
WATTHEW EGOTINGON	1415 ELBRIDGE PAYNE ROAD	
	SUITE 275	0 110
VS.	CHESTERFIELD, MO 63017	Special Process Server 3
Defendant/Respondent:	Court Address: CIVIL COURTS BUILDING	
PHH MORTGAGE CORPORATION	10 N TUCKER BLVD	$\lambda$
Nature of Suit:	SAINT LOUIS, MO 63101	(Date File Stamp)
CC Other Tort	mmons in Civil Case	
	LITIONS INC	AUG 0 6 2020 RIFF COUNT
The State of Missouri to: ALTISOURCE SOL Alias:	u i jons, inc.	$\sim ^{AUG} \theta_{\mathbf{c}} \sim CD$
CSC LAWYERS INCORP SVC CO	Skir	OLK 2020
221 BOLIVAR STREET		RIFFCOIN
JEFFERSON CITY, MO 65101  COURT SEAL OF You are summone	d to appear before this court and to file you	pleading on the petition, a
CODY of which is a	ttached, and to serve a copy of your pleadin	g upon the attrorpey for
plaintiff/petitioner	at the above address all within 30 days after	r receiving this summons,
exclusive of the da	ay of service. If you fail to file your pleading,	judgment by default may
be taken against y	ou for the relief demanded in the petition.	<b>2</b> 5 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
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Further Information:	heriff's or Server's Return	O PM
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I certify that I have served the above summons by		
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leaving a copy of the summons and a copy of t	he netition at the dwelling place or usual abode of the	e defendant/respondent with
15 years who permanently resides with the de	, a person of the defendant's/respon	dent's family over the age of
15 years who permanently resides with the de	of the summons and a copy of the complaint to:	
Shelly Lewis	(name) Designee	(title).
other:		·
Served at 221 Bolivar St Jeffers	on City MD (0510)	(address)
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in County/C	<del>ity of St. Lo</del> uis), MO, on <u>08-07-2020</u> (	date) at (time).
Sheriff AR J. Whall	$a_{ij} \cap a_{ij} = a_{ij}$	la 14 74
Printed Name of Sheriff or Server		Sheriff or Gerver
Must be sworn before a	notary public if not served by an authorized officer:	
	to before me on	(date).
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A copy of the summons and a copy of the petition r	nust be servec on <b>each</b> defendant/respondent. For n	nethods of service on all
classes of suits, see Supreme Court Rule 54.	·	